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1 **PART E—**2 **SEC. ____.**

3 Part F of title I of the Act is amended to read as
4 follows:

5 **“PART F—GENERAL PROVISIONS**6 **“SEC. 1601. FEDERAL REGULATIONS.**

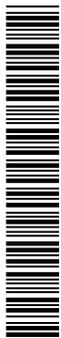
7 “(a) IN GENERAL.—The Secretary is authorized to
8 issue such regulations as are necessary to reasonably en-
9 sure that there is compliance with this title.

10 “(b) NEGOTIATED RULEMAKING PROCESS.—

11 “(1) IN GENERAL.—Prior to publishing in the
12 Federal Register proposed regulations to carry out
13 this title, the Secretary shall obtain the advice and
14 recommendations of representatives of Federal,
15 State, and local administrators, parents, teachers,
16 and members of local boards of education involved
17 with the implementation and operation of programs
18 under this title.

19 “(2) MEETINGS AND ELECTRONIC EX-
20 CHANGE.—Such advice and recommendation may be
21 obtained through such mechanisms as regional meet-
22 ings and electronic exchanges of information.

23 “(3) PROPOSED REGULATIONS.—After obtain-
24 ing such advice and recommendations, and prior to



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1 publishing proposed regulations, the Secretary
2 shall—

3 “(A) establish a negotiated rulemaking
4 process on a minimum of three key issues,
5 including—

6 “(i) accountability;

7 “(ii) implementation of assessments;

8 “(iii) use of paraprofessionals;

9 “(B) select individuals to participate in
10 such process from among individuals or groups
11 which provided advice and recommendations, in-
12 cluding representation from all geographic re-
13 gions of the United States; and

14 “(C) prepare a draft of proposed regula-
15 tions that shall be provided to the individuals
16 selected by the Secretary under subparagraph
17 (B) not less than 15 days prior to the first
18 meeting under such process.

19 “(4) PROCESS.—Such process—

20 “(A) shall be conducted in a timely manner
21 to ensure that final regulations are issued by
22 the Secretary not later than 1 year after the
23 date of the enactment of the Student Results
24 Act of 1999; and



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1 “(B) shall not be subject to the Federal
2 Advisory Committee Act but shall otherwise fol-
3 low the provisions of the Negotiated Rule-
4 making Act of 1990 (5 U.S.C. 561 et seq.).

5 “(5) EMERGENCY SITUATION.—In an emer-
6 gency situation in which regulations to carry out this
7 title must be issued within a very limited time to as-
8 sist State and local educational agencies with the op-
9 eration of a program under this title, the Secretary
10 may issue proposed regulations without following
11 such process but shall, immediately thereafter and
12 prior to issuing final regulations, conduct regional
13 meetings to review such proposed regulations.

14 “(c) LIMITATION.—Regulations to carry out this part
15 may not require local programs to follow a particular in-
16 structional model, such as the provision of services outside
17 the regular classroom or school program.

18 **“SEC. 1602. AGREEMENTS AND RECORDS.**

19 “(a) AGREEMENTS.—All published proposed regula-
20 tions shall conform to agreements that result from nego-
21 tiated rulemaking described in section 1601 unless the
22 Secretary reopens the negotiated rulemaking process or
23 provides a written explanation to the participants involved
24 in the process explaining why the Secretary decided to de-
25 part from and not adhere to such agreements.



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1 “(b) RECORDS.—The Secretary shall ensure that an
2 accurate and reliable record of agreements reached during
3 the negotiations process is maintained.

4 **“SEC. 1603. STATE ADMINISTRATION.**

5 “(a) RULEMAKING.—

6 “(1) IN GENERAL.—Each State that receives
7 funds under this title shall—

8 “(A) ensure that any State rules, regula-
9 tions, and policies relating to this title conform
10 to the purposes of this title and provide any
11 such proposed rules, regulations, and policies to
12 the committee of practitioners under subsection
13 (b) for their review and comment;

14 “(B) minimize such rules, regulations, and
15 policies to which their local educational agencies
16 and schools are subject;

17 “(C) eliminate or modify State and local
18 fiscal accounting requirements in order to facili-
19 tate the ability of schools to consolidate funds
20 under schoolwide programs; and

21 (D) identify any such rule, regulation, or
22 policy as a State-imposed requirement.

23 “(2) SUPPORT AND FACILITATION.—State
24 rules, regulations, and policies under this title shall
25 support and facilitate local educational agency and



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1 school-level systemic reform designed to enable all
2 children to meet the challenging State student per-
3 formance standards.

4 “(b) COMMITTEE OF PRACTITIONERS.—

5 “(1) IN GENERAL.—Each State educational
6 agency shall create a State committee of practi-
7 tioners to advise the State in carrying out its re-
8 sponsibilities under this title.

9 “(2) MEMBERSHIP.—Each such committee
10 shall include—

11 “(A) as a majority of its members, rep-
12 resentatives from local educational agencies;

13 “(B) administrators, including the admin-
14 istrators of programs described in other parts
15 of this title;

16 “(C) teachers, including vocational edu-
17 cators;

18 “(D) parents;

19 “(E) members of local boards of education;

20 “(F) representatives of private school chil-
21 dren; and

22 “(G) pupil services personnel.

23 “(3) DUTIES.—The duties of such committee
24 shall include a review, prior to publication, of any
25 proposed or final State rule or regulation pursuant



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1 to this title. In an emergency situation where such
2 rule or regulation must be issued within a very lim-
3 ited time to assist local educational agencies with
4 the operation of the program under this title, the
5 State educational agency may issue a regulation
6 without prior consultation, but shall immediately
7 thereafter convene the State committee of practi-
8 tioners to review the emergency regulation prior to
9 issuance in final form.

10 **“SEC. 1604. CONSTRUCTION.**

11 “(a) PROHIBITION OF FEDERAL MANDATES, DIREC-
12 TION, OR CONTROL.—Nothing in this title shall be con-
13 strued to authorize an officer or employee of the Federal
14 Government to mandate, direct, or control a State, local
15 educational agency, or school’s specific instructional con-
16 tent or pupil performance standards and assessments, cur-
17 riculum, or program of instruction as a condition of eligi-
18 bility to receive funds under this title.

19 “(b) EQUALIZED SPENDING.—Nothing in this title
20 shall be construed to mandate equalized spending per
21 pupil for a State, local educational agency, or school.

22 “(c) BUILDING STANDARDS.—Nothing in this title
23 shall be construed to mandate national school building
24 standards for a State, local educational agency, or school.



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1 **“SEC. 1605. APPLICABILITY TO HOME SCHOOLS.**

2 “Nothing in this Act shall be construed to affect
3 home schools.

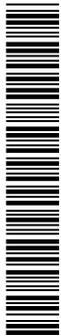
4 **“SEC. 1606. GENERAL PROVISION REGARDING NON-
5 RECIPIENT NONPUBLIC SCHOOLS.**

6 “Nothing in this Act shall be construed to permit,
7 allow, encourage, or authorize any Federal control over
8 any aspect of any private, religious, or home school,
9 whether or not a home school is treated as a private school
10 or home school under State law. This section shall not be
11 construed to bar private, religious, or home schools from
12 participation in programs or services under this Act.”.

13 **“SEC. 1607. LOCAL ADMINISTRATIVE COST LIMITATION.**

14 “(a) LOCAL ADMINISTRATIVE COST LIMITATION.—
15 Each local educational agency may use not more than 4
16 percent of funds received under part A for administrative
17 expenses.

18 “(b) REGULATIONS.—The Secretary, after consulting
19 with State and local officials and other experts in school
20 finance, shall develop and issue regulations that define the
21 term administrative cost for purposes of this title. Such
22 definition shall be consistent with generally accepted ac-
23 counting principles. The Secretary shall publish final regu-
24 lations on this section not later than 1 year after the date
25 of enactment of the Student Results Act of 1999.



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1 **“SEC. 1608. PROHIBITION ON MANDATORY NATIONAL CER-**
2 **TIFICATION OF TEACHERS AND PARA-**
3 **PROFESSIONALS.**

4 “(a) PROHIBITION ON MANDATORY TESTING OR
5 CERTIFICATION.—Notwithstanding any other provision of
6 law, the Secretary is prohibited from using Federal funds
7 to plan, develop, implement, or administer any mandatory
8 national teacher or paraprofessional test or certification.

9 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
10 Secretary is prohibited from withholding funds from any
11 State or local educational agency if such State or local
12 educational agency fails to adopt a specific method of
13 teacher or paraprofessional certification.

14 **“SEC. 1609. GAO STUDIES.**

15 “(a) STUDY ON PARAPROFESSIONALS.—The General
16 Accounting Office shall conduct a study of paraprofes-
17 sionals under part A of title I.

18 “(b) STUDY ON PORTABILITY.—The General Ac-
19 counting Office shall conduct a study regarding how funds
20 made available under this title could follow a child from
21 school to school.

22 “(c) STUDY ON ELECTRONIC TRANSFER OF MI-
23 GRANT STUDENT RECORDS.—The General Accounting
24 Office shall conduct a study on the feasibility of electroni-
25 cally transferring and maintaining migrant student
26 records.



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1 **“SEC. 1610. DEFINITIONS.**

2 “For purposes of this title—

3 “(1) The term “Secretary” means the Secretary
4 of Education.

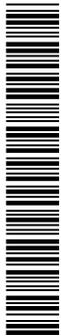
5 “(2) FULLY QUALIFIED.—The term ‘fully
6 qualified’—

7 “(A) when used with respect to a public el-
8 ementary or secondary school teacher (other
9 than a teacher teaching in a public charter
10 school), means that the teacher has obtained
11 State certification as a teacher (including cer-
12 tification obtained through alternative routes to
13 certification) or passed the State teacher licens-
14 ing exam and holds a license to teach in such
15 State; and

16 “(B) when used with respect to —

17 “(i) an elementary school teacher,
18 means that the teacher holds a bachelor’s
19 degree and demonstrates knowledge and
20 teaching skills in reading, writing, mathe-
21 matics, science, and other areas of the ele-
22 mentary school curriculum; or

23 “(ii) a middle or secondary school
24 teacher, means that the teacher holds a
25 bachelor’s degree and demonstrates a high



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1 level of competency in all subject areas in
2 which he or she teaches through—

3 “(I) a high level of performance
4 on a rigorous State or local academic
5 subject areas test; or

6 “(II) completion of an academic
7 major in each of the subject areas in
8 which he or she provides instruction.

